

**REMARKS**

Claims 1-19 are pending in this application. By this Amendment, claim 1 is amended to remove subject matter and for clarity, claim 19 is added to capture the subject matter canceled from claim 1, and claim 16 is amended for clarity. Support for the amendment to claim 1 is found at, for example, Figs. 1-3 and 6-9. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Devore in the January 4, 2006, personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. Rejections Under 35 U.S.C. §102(b)**

Claims 1-3, 6, 9, 12 and 14-16 are rejected under 35 U.S.C. §102(b) over GB2343619 (Elsender). This rejection is respectfully traversed.

During the January 4, 2006 personal interview, the Examiner confirmed that claim 1 as amended herein, as well as claim 15, as amended in the Amendment filed on December 6, 2005, overcome the rejection in view of Elsender. In particular, the feature of the container body having a handle shell part which projects beyond the container holder and together with the handle part forms an exterior surface of the handle, as recited in claim 1, is not disclosed by Elsender. Furthermore, a dispensing head, which is closed in a sealed manner to prevent the toothpaste from running out of the toothpaste container when the toothpaste container is inserted in the handle part, and a container body, at least part of the container body being thin-walled and more flexibly elastic than the rest of the container body, such that, only with the toothpaste container removed from the handle part, toothpaste can be squeezed out of the toothpaste container, as recited by claim 15, is not disclosed by Elsender.

Accordingly, as confirmed by the Examiner during the January 4, 2006 personal interview, at least claims 1 and 15 are not anticipated or otherwise rendered obvious by Elsender.

During the January 4, 2006 interview, the Examiner indicated that claim 16 may not be allowable over Elsender because claim 16 includes functional language, as opposed to structural language. To address the Examiner's concerns, claim 16 is amended to recite "a container body, with a handle shell part, that is releasably inserted into a container holder of the handle part." Thus, the requirements of the Patent Office have been met. Furthermore, claim 16 is not anticipated or rendered obvious by Elsender for the same reasons as claim 15.

Accordingly, claims 1, 15 and 16, as well as the claims depending therefrom, are not anticipated or otherwise rendered obvious by Elsender.

## **II. Rejections Under 35 U.S.C. §103(a)**

Claim 13 is rejected under 35 U.S.C. §103(a) over Elsender; claim 4 is rejected under 35 U.S.C. §103(a) over Elsender in view of U.S. Patent No. 1,701,030 (Collins); claims 7, 8 and 10 are rejected under 35 U.S.C. §103(a) over Elsender in view of U.S. Patent No. 2,450,002 (Jackson); and claims 11, 17 and 18 are rejected under 35 U.S.C. §103(a) over Elsender in view of U.S. Patent No. 5,382,106 (Voigt). These rejections are respectfully traversed.

Each of claims 4, 7, 8, 10, 13, 17, 18 and 19 depend directly from, or indirectly from, claim 1. Thus, each of these claims is allowable for at least the same reason as claim 1 discussed above. Furthermore, each of these claims are also allowable for the additional features they recite, as discussed in the Amendment filed on December 6, 2005.

For the foregoing reasons, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

## **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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